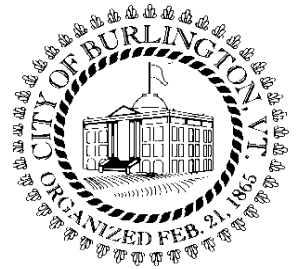


Department of Permitting and Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
www.burlingtonvt.gov/pz
Phone: (802) 865-7188
Fax: (802) 865-7195

William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Alison Davis, Zoning Clerk
Theodore Miles, Zoning Specialist
Charlene Orton, DPI Administrator



MEMORANDUM

To: The Design Advisory Board
From: Mary O'Neil, AICP, Principal Planner
RE: Items brought up for discussion by Chair Eric Morrow
Date: August 25, 2020

The following issues were raised by Chair Eric Morrow at the DAB meeting July 28, 2020:

1. DAB membership

From the Comprehensive Development Ordinance (CDO):

PART 5: ADVISORY COMMITTEES

Sec. 2.5.1 Design Advisory Board

(a) Composition and Terms

*There shall be a Design Advisory Board (or DAB) consisting of **five (5) members and two (2) alternates** appointed to staggered three (3) year terms by the city council with mayor presiding. A majority of the members shall be professionals from any of the following fields: architecture, landscape architecture, engineering, planning, contracting, archaeology, or real estate development. To the extent possible, at least two (2) of the members shall be professionals from the disciplines of history, architectural history, architecture or historical architecture. Any appointment to fill a vacancy shall be for the unexpired term. Any member may be removed at any time for just cause by vote of the city council with mayor presiding, for reasons given to the member in writing, and after a public hearing on the issue if the member so requests.*

(b) Powers and Duties

In addition to other responsibilities which may be assigned by the city council, the design advisory board shall, upon request of the board or the administrative officer, review requests for certificates of appropriateness in accordance with the design review standards specified in Article 6, and prepare written advice and recommendations to the board. Such projects may include but not be limited to:

- 1. Applications involving site plan and design review subject to review and approval by the Board; and,*
- 2. Applications involving historic buildings or sites; and,*

3. *Applications reviewed under the Major Impact (Sec. 3.5.2(b)), Planned Development (Art. 11), and Subdivision (Art. 10) provisions of these regulations.*

A change to the number of Board members would require a change to the ordinance; to be advanced through a vote by a majority of the Design Advisory Board; advancing to the Planning Commission and ultimately City Council.

2. Minutes of the Design Advisory Board

Section IV of the DAB Bylaws addresses meeting minutes:

C. It shall be the duty of all members to review the minutes and other official records of DAB meetings and actions, and correct and ratify these when appropriate and necessary.

D. Planning & Zoning Department staff shall record decisions of all meetings.

Eric Morrow has requested a revision to the DAB Bylaws to revise the method and format of minutes. He expressed the desire to review and vote on acceptance of minutes.

The Bylaws outline the duty of member to review the minutes, and to correct and ratify “when appropriate and necessary.”

Currently, minutes are written by staff and meet the requirements outlined by the City Attorneys’ office to be consistent with Vermont Public Meeting law. DAB minutes include the date, location of meeting, agenda items, who is present (staff, board members, applicants and guests) and detail actions (motion, second, vote.)

On the rare occasion when a member has a question about previous decisions, staff has provided the document for review. As an advisory board, there has been no evidence that detailed transcripts of meetings have been necessary or required by statute.

To require more comprehensive minutes would require the attendance of another staff member to record, complete and post.

3. Allowing all attendees to be granted entrance to a (remote) meeting

New challenges have resulted in new technology to conduct public meetings. DAB, like Conservation Board and Development Review Board are conducted on a Zoom platform as a webinar. When the meeting manager begins the hearing, the option to “Broadcast” is activated, allowing all panelists and attendees to “observe” the hearing. The meeting manager does retain control of audio for all attendees, and can mute/unmute at appropriate times. Staff believes the public hearing element of the Chair’s concern is met.

4. Member absences

The following excerpt from the DAB Bylaws addresses absences:

Absence of any member from more than three (3) consecutive or eight (8) total meetings over a period of one fiscal year will be cause for consideration for removal from the board. At the discretion of the chair and voted by a majority of the board, such affirmative vote for removal shall be advanced to the City Council immediately, requesting the appropriate measures be taken.

Board members may be removed for cause by the City Council upon written charges and after public hearing. 24 V.S.A. § 4460(c).

Members will be advised by staff when two (2) consecutive or a total of four (4) absences have accumulated. This measure shall not be applicable to alternates, where their attendance is required only by absence or recusal of a regular member.

Please see attached membership attendance records.

Tom Cullins was notified July 30 of four consecutive absences, and 4 out of 6 in this calendar year.

5. Technical review of projects with 5+ residential units

The Chair, as a registered architect, believes the board should undertake technical review of projects that propose more than 5 residential units for code compliance and adequacy of professional plans.

Staff (Mary O'Neil) outlined the requirements for application submission under the ordinance, which do not require plans prepared by an architect or engineer (with the exception of survey plats and documents relative to demolition of historic structures.) Such technical review is under the jurisdiction of the building inspector who may require more technical plan sets.

The CDO does not support the suggested requirement of the Chair.